

I feel that the search warrant process should be fixed before the FCC compels telecommunications carriers & ISPs to provide easy surveillance access to their equipment. The 4th Amendment to the US Constitution, in my opinion, has been abused by allowing (a) warrants to be issued without a 'public defender' present to question the evidence, (b) 'secret' warrants which are issued, acted upon, but the person who is searched is never (even after the investigation closes) informed that they have been the subject of a search, (c) law enforcement "requests" for information from businesses such as banks which must now provide the information instead of keeping their customer's information confidential and (d) recent "War on Terror" practices of allowing a law enforcement agency to both issue & act upon the search warrant.

If easy access is allowed, computers will be employed to record & analyze conversations & emails, looking for keywords or unusual phrases. Some percentage of the citizenry who have used these keywords or phrases will then be placed under secret surveillance until it is determined that they are innocent.

The correct, Constitutional process, is to (a) identify the crime, then (b) gather evidence, then (c) decide whether to try suspects based on the evidence. The FBI wishes to (b) gather evidence and save it forever and then, if there is a crime, search through all the evidence to find a match. The problem is that they may find evidence of other minor crimes at that point (i.e. perhaps the suspect's spouse, on the phone, says "I ran a red light today") and use that non-warrant evidence to harass more or less innocent people.

It is important that every governmental agency, including the FCC, act to uphold the Constitution, even if the violation of the Constitution is only incidental to their rulings.

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